

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, JULY 18, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
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MINUTES

PUBLIC HEARING

Note: These are summary minutes. A tape recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.

Chairman Ray Mahoney called the Public Hearing to order at 6:32 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

MEMBERS PRESENT: Cathe Sherman, Chris Edquist, Rich Delpier, Ray Mahoney

MEMBERS ABSENT: Pete Carmody

ALTERNATES PRESENT: Mike Bokon, Virginia McHugh

ALTERNATES ABSENT: Sean Cleary

ALSO PRESENT: David Kalinowski, ZEO

PERMIT APPLICATIONS

- 1. #12-471 Liberty Wolcott LLC – Amendment to Zoning Regulation #32.2.18 to allow Multi-Family Developments in an RC District and Schedule A – Permitted Uses as noted on the application.**

At this time Mike Bokon read into record the letter from Attorney William Tynan dated July 18, 2012 (see attached). Cathe Sherman read into record a letter from Mark Possidento, Consulting Engineer dated July 9, 2012 (see attached). At this time Keith Mahler, owner of Liberty Wolcott LLC came forward to address the Commission. He said he did not see the letter from Atty. Tynan in advance but thinks his comments are well founded. He said that Watercreek was approved approximately 7-8 years ago as an age restricted community and one of the first in town but one of the last to be developed. He submitted a letter signed by the current unit owners of Watercreek that they are in favor of the completion of this development without the age restricted which should address the Vice-Chairman's concern and also part of the commentary from the Town Attorney. Mr. Mahler said he also submitted the proposed site plan to be reviewed and it is exactly the same plan that had been approved, with no changes to it other than who the owner is. He said the intention of this is to amend the text of the zone and ultimately they will re-submit the site plan for formal approval. His intention is to continue to develop what is there only without the age restriction. Ray Mahoney asked Mr. Mahler if he was familiar with the phrase "universal design" and he said he believes it has something to do with an age targeted development. He said you want to have a master suite on the first floor and develop it as such and that happens to be where we see the market.

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Attorney Wise came forward and said an updated traffic report is important for the Commissions deliberations because part of what you are going to consider is will this amendment have any impact on the neighborhood, community or town. He also said he was going to talk about what the standard is when dealing with a text amendment and to explain why he thinks that legally this text amendment should be granted but he said the Town Attorney (William Tynan) has summed it all up (in his letter dated 7/18/12) and he agrees with everything Atty. Tynan stated. Atty. Wise said the amendment adds to the Schedule of Permitted Uses – Multi Family Developments as a permitted use in an RC Zone. He said presently they are not allowed in an RC Zone. He said it adds that subject to all the standards that are already in the regulations for Multi-Family Developments except for the 3 changes they are proposing. He said they are proposing that it must have a minimum area of 20 acres, minimum frontage of 200 feet along Rte. 69 and a lot shall not abut any property located in a residential zone. He said they also propose several changes to the setback requirements, such as no building or other structure shall extend within less than 40 feet of any street line and 50 feet of any other perimeter property line unless such other perimeter property line abuts property in the industrial zone in which case the setback would be 30 feet. He said all the surrounding properties are in the industrial zone. Cathe Sherman had a concern about this being considered spot zoning. Atty. Wise said that the criteria he just discussed applies only in an RC District. He said the new plan of conservation and development not only discourages single family subdivisions but it promotes universal housing which is housing that appeals not only to older people but also to empty nest baby boomers and to increasing population of single residents. He referred to page E-4 in the P.O.D. that says there are many 55 and older people who would prefer not to live in an age restricted development but instead with a more diverse group. He said he thinks their proposal is quite consistent with the new Plan of Conservation and Development.

Mike Bokon asked why it is called “multi-family” and Mr. Mahler said the text book definition is more than one family on a single lot and in this case they would have 63 families on one lot. Mr. Mahler said it has nothing to do with the type of building but he added a site plan as part of this application so the Commission and the public can see exactly what the project is, the exact same mirror image of what is there except not age restricted. Atty. Wise said he thought there might be a concern that they (the Commission) would adopt the amendment and they (Liberty Wolcott LLC) would come in with something entirely different but all they are doing is getting a text amendment for the exact same project other than the age restricted. Mr. Mahler made reference to Declaration of Watercreek, Section 10.3 (page 12) on the use and occupancy of restrictions on units with regard to older persons. Atty. Wise said that they have the agreement of the three unit owners there that they want the changes to happen.

Cathe Sherman said she has a concern about the impact on the school systems. Brian Miller, Professional Planner, said he was asked to review the proposed amendments as to what the overall fiscal and economic impact would be to the town. He said about 20 years ago developers saw that the demographics of Connecticut was changing and that there was going to

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be this growth of residents 55 and older that did not want to live in their single family houses anymore. He said the alternative was just that people did not want to maintain or were unable to maintain a house it was not necessarily that they did not want to live with people who are 46 or 35. He said it was more a result of a different maintenance free lifestyle. He said the reason there are some many age restricted developments on the books is because it is the way the Connecticut tax base is. He said towns were looking for ways to increase their tax base and at the same time minimize their municipal costs. He went on to discuss other developments in other towns that are now at a standstill. He said there are many projects that have fallen on hard times throughout this region. He said as far as the fiscal impact he used the Rutgers University Center for Urban Policy Research. He said what they did was a demographic analysis for each state and made an estimate of public school children who would be expected to reside in different types of units base on property values. He said based upon this data he figured it would amount to 22 additional students in school systems. He also said enrollment is projected to decline so these additional students would be filling up a couple empty seats.

David Spear, Traffic Engineer, said he was asked to look at the traffic aspects of this application. He said they looked at the background traffic on Rte. 69, the trip generation and capacity analysis from that report. He said the background numbers have not changed much from the original report (in 2002). He said there were two or three different variations on the trip generation but the one used for analysis was based on 126 residents (63 two bedroom units) and the a.m. peak hour was 35 trips and p.m. peak hour was 44 trips. He said based on the current application they have the same number of units but some 3 bedroom units mixed in which would increase the number of residents to 142 and after running the numbers they came up with an a.m. peak hour of 38 trips and p.m. peak hour of 50 trips. He said their conclusion is that the report that was previously submitted and approved is still applicable to the current situation.

Paul Bunevich, Professional Engineer from Land Data, said they were the original engineers and surveyors on the site and they developed the original plans, layouts, utilities, sewer and water, etc. He said he was up there the other day and the wetlands erosion controls are still in place and seem to be functioning. He said there are some minor things that need to be done but it doesn't concern this Commission directly.

At this time Lou Mazzeo and Ron Gambino from GAMA Developers came forward and stated they own the 2 houses in front of the Watercreek Property. Lou Mazzeo handed out a letter he drafted to the Commission (see attached). In his letter he stated that back in January 2006 they were told that the Commission would only change the zoning to Restricted Commercial under a special use permit to allow them to do the age restricted development so that it could in no way ever become residential to build single family dwellings. He also said he has a tape of the meeting when this was done and what he said in his letter is backed up by the tape. He asked that all Commission members listen to the tape on what was said and what was granted as it effected them big time and put them from one stage of the economy to another stage by the

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time it all went through. He handed the Commission a list where it showed they applied for a permit for single family homes and withdrew and then going forward with an RC restricted (application). He said he doesn't feel that now because someone has come in and bought this property that for their own financial gain that they should put the burden back on the town and start impacting the schools. He said the reason they made them get it as an RC (district) is so this could never happen and (they were told) the worst case scenario was they would be stuck with a RC piece of property or change it back to industrial. He said this is all on the tape and Ray Mahoney said he would have everyone from the Commission get a copy of the tape (or they could listen to it at the town hall). Mr. Mazzeo said all he is saying is something here that they were not able to do nor granted he doesn't feel that somebody else should change the rules for them (the new applicant #12-471) at a later date.

Ray Rinaldi came forward and said the request that is being made for amendment for the property on Rte. 69 bothers him and he feels also a lot of other people in town. He said it was a piece of property that was approved for the elderly and all of sudden the development ran into a few problems. He said the property went on the block and made people do a lot of thinking: Who is this going to hurt? He said it is going to hurt the taxpayers, the elderly, the Board of Education, the town and everyone else. He said the only one to benefit from this is Mr. Mahler. He said this board needs to look back and see what the ramifications will be to the people. He said he believes it would be more like 1 to 1-1/2 persons per unit and can bring in 90 children (to school systems). He said if you do the math there is no way the town can benefit from this. He said it could cost our Board of Education alone \$1.2 million per year. He said the average taxpayer pays maybe between \$5,000.00 to \$6,000.00 in taxes and if you take that by 63 units it is only around \$300,000.00. He said to him that does not balance out and is not good business. He said one gentleman made a comment that a lot of people are doing away with multiple dwellings but in January he (Mr. Rinaldi) was listening to the 1320, Talk of the Town, and the topic was that Waterbury has to get away from multiple dwellings and consider elderly properties.

John Maloney came forward and he is one of three permanent homeowner residents at Watercreek. He said they are between a rock and a hard place. He said he needs (not wants) neighbors. He said the three families cannot live under these conditions because they would not be to pay for the amenities they need such as snowplowing, trash pickup, etc. He feels they have been abandoned by the developer, meaning financially they are not contributing anything. He has a checklist of things that have never been done and never will. He said along comes Mr. Mahler and for him seems like a perfect way of solving his problem. He said he hasn't talk to one of the owners but did talk to Mr. Lucien who said he came from Waterbury from crowded, noisy neighborhoods and does not want that again. He said Mr. Lucien said he came out here to enjoy the freedom of not having children about. Mr. Maloney said they do not object to children, if they do not overrun the community. He also said if you look through the regulations and the legal lease of Watercreek you will find a statement where it says you do not need to be 55 and older to buy a house at Watercreek. He said they are

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allowed to sell a certain percentage of homes to those under 55. He said he does not believe the school systems will be as taxed as Mr. Rinaldi stated, but it could be. He said you just do not know what's coming around the corner. He said it is very taxing just trying to pull out of Watercreek but you have to be patient. He said it had a much higher price than he ever expected to pay but it has the feeling of space and he is not hemmed in. He said he bought in Watercreek because he liked the floor plan. He said he wants neighbors but would like to see a little bit of restriction on the type and the number of neighbors he may have.

Dave Kalinowski, ZEO, said in response to Mr. Maloney's comment about people under 55 being able to live in the complex, that by State Statutes you are allowed to have 20% under 55 living in these developments but it is 20% of the number of units being occupied.

Lew Wise said the people that are going to be hurt if the application is not granted is the unit owners. He said Mr. Maloney pretty much lost his investment as there is no market to buy one unit in a 63 unit unfinished development which has no likelihood of being finished. He said they (3 unit owners) will be hurt, the town will be hurt because giving the lack of market for age restricted housing this project will sit for a long, long time. He said it is a god send to the town that Mr. Mahler came along and is willing to invest new money into this project so that it can be finished. Atty. Wise said that according to our Plan of Development it states it is primarily concerned with the adequacy of school facilities to serve future long range community growth (page H3). He went on to state facts from the Plan of Development on student enrollment, etc. (and came to the conclusion) that the spector that an additional 20 or so students from this development is going to overwhelm the school system is just not right as school enrollment is declining and projected to continue to decline and the small possible increase in enrollment from this 63 unit development is unlikely to have any significant negative impact on the system at all. He said this is the exact same development that (GAMA) got approved for 6-7 years ago, it is not a subdivision. Cathe Sherman said the Board of Education has known about the projections (of school enrollment) but their reaction to it was to decrease teacher staff.

Mike Bokon asked what makes Mr. Mahler so sure this development will be a success. Mr. Mahler said he has been developing here for 25 years. He said he does the toughest part of a development, he does the land development, which is the most expensive and the most risky. He said he has 3 open subdivisions and has weathered the storm through the recession and has set the market price and place for single family detached building lots in Wolcott over the years and has lead that market and certainly does not want to be the one leading the market down the drain. He said it is about product delivery and there is no market for the age restricted product. He said single detached products at the right price point will sell. Mr. Mahler said this will sell at the price points that he sees over there. He said he sees a growing market from a very conservative \$229,900.00 entry level model up to about a \$349,900.00 price. He said he thinks the sweet spot in the market is somewhere between \$279,000.00 and \$329,000.00 appropriately finished.

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Upon **MOTION** by Mike Bokon, seconded by Cathe Sherman, it was unanimously voted to take a 5 minute recess (8:15 p.m.). The public hearing was called back to order at 8:25 p.m.

Lou Mazzeo said he has been building in town for 25 plus years himself but the problem is not an issue with the age restricted it is the original developer built 2,800 square foot homes trying to sell them for \$400,000.00 which put a burden on the project. He said people are downsizing to come into an age restricted area and want smaller homes (but they are not) selling their houses for \$400,000.00. He said there is still a big need for the age restricted development in town. He said he is a hands on developer whereas Mr. Mahler looks for someone else to buy these projects out, he is not the one developing and building these homes. Mr. Mazzeo said he was asked to buy and finance this project but the numbers did not work for him. Mr. Mahler said he has been in the real estate business for 32 years and probably one of the largest private lenders in the State of Connecticut. Mr. Mahler said they are not home builders; they are land developers and financiers. He said there are two things you need to understand about this type of development. He said this is not a single family subdivision, where the only thing we can do is restrict and put deed restrictions on it. He said this is a planned unit development, condominium, and we have full control over anyone who goes in there and what they are going to do, basically they have to live to their criteria.

There were no more comments or questions from the Commission or the public and Chairman Mahoney said the public hearing on this application is kept open so the members can review everything that was entered in at tonight's meeting and for them to get a copy of the tape (from the original hearing 3/16/05), and to send information to Tony Panico (Consulting Town Planner) for his review. He said the public hearing is continued to 8/1/2012 at 6:30 p.m. in the Council Chambers.

REGULAR MEETING

At 8:32 p.m. Chairman Mahoney called the Regular Meeting to order. (Attendance was taken and it was the same as listed above under Public Hearing).

PUBLIC REQUESTS

There were no Public Requests at this time.

At this time Virginia McHugh was seated as a regular member.

APPROVAL OF MINUTES

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 6/20/12 Public Hearing and Regular Meeting.

Ray Mahoney abstained due to absence.

APPROVAL OF BILLS

There were no bills at this time.

CORRESPONDENCES

At this time Chairman Mahoney stated all correspondences were already read therefore there were no new Correspondences.

SUBCOMMITTEE REPORTS

There were no Subcommittee Reports at this time.

OLD BUSINESS

- 1. #12-471 Liberty Wolcott LLC – Amendment to Zoning Regulations #32.2.18 to allow Multi-Family Developments in an RC District and Schedule A – Permitted Uses as noted on the application.**

(A public hearing was held on this tonight and it was continued to 8/1/2012 at 6:30 p.m. in the Council Chambers).

NEW BUSINESS

- 1. #12-473 Frank Carnemolla, Jr. – Special Use Permit for Use Line C-8 for a Repair Garage at 784 Bound Line Rd.**

ZEO said if you remember you (the Commission) did a text amendment change in regards to an interior industrial zone lot for a repair garage and this is the site application coming before us. This application requires a public hearing so it is the Commission's discretion to accept the application and schedule the public hearing.

Upon **MOTION** by Cathe Sherman, seconded by Virginia McHugh, it was unanimously voted to **ACCEPT FOR REVIEW** #12-473 Frank Carnemolla, Jr., - Special Use Permit for Use Line C-8 for a repair garage at 784 Bound Line Rd. and **SCHEDULED** a public hearing for 8/1/2012 at 6:30 p.m. in the Council Chambers.

- 2. #12-474 Billy Olmstead – Site Plan Application for Use Line C-18 and C-19 and stockpiling of material at 36 Town Line Rd.**

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ZEO gave a brief history of this parcel and also parcel at 32 Town Line Rd. He stated there was an issue with stockpiling of material there last year and had not heard anything until the Town Engineer called to say there was stockpiling going on there in the flood plain area. He said after a phone call to one of the property owners an application was taken out for 36 Town Line Rd. ZEO did read into record a few letters from Mark Garrigus (Inland Wetland Chairman), one dated 6/29/2012 for 32 Town Line Rd., one dated 7/17/2012 for 36 Town Line Rd. and one dated 7/18/2012 for 32 Town Line Rd. (see attached). At this time he said he has not had time to review the plan but will forward to the Town Engineer for his comments before the next meeting.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **ACCEPT FOR REVIEW** #12-474 Billy Olmstead – Site Plan application for Use Line C-18 and C-19 and stockpiling of material at 36 Town Line Rd.

Upon **MOTION** by Rich Delpier, seconded by Virginia McHugh, it was unanimously voted to **TABLE** #12-474 Billy Olmstead – Site Plan application for Use Line C-18 and C-19 and stockpiling of material at 36 Town Line Rd.

ZONING ENFORCEMENT OFFICER’S REPORT

ZEO said everyone has a list of all the permits so if anyone has any questions let him know. Cathe Sherman asked about the Hunt’s old property (Bound Line Rd.) and the excavation going on there and ZEO said there was a dry hydrant that was plugged solid and a permit was taken out for the work going on.

EXECUTIVE SESSION

There was no Executive Session at this time.

ADJOURNMENT

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **ADJOURN** the Regular Meeting at 8:51 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission